

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TWENTY-SEVENTH DAY — THURSDAY, MARCH 3, 2005

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 39).

Present — Mr. Speaker; Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Absent, Excused — Escobar; Krusee; Solis; Taylor.

Absent — Chavez; Martinez Fischer; Moreno, P.; Olivo.

The invocation was offered by The Very Reverend Joe D. Reynolds, Christ Church Cathedral, Houston, as follows:

Loving and gracious God, fill our hearts with a sense of gratitude for the abundance of your grace that you have poured into our lives. Sharpen our awareness of the joy of the wonderful gift of freedom and the responsibilities that come with it. Keep us ever aware of those for whom we speak and act, especially those whose lives are filled with hardships and the daily challenges of simply living one more day. Fill our minds with wisdom that we may have keen understanding and make wise decisions to the benefit of all the citizens of this state. Fix in our hearts a clear vision of what we can accomplish and what you

would have us become. And, finally, fill us with a spirit of your love that we may seek to remove whatever divisions may separate us and promote the common good of all people. Amen.

The speaker recognized Representative M. Noriega who led the house in the pledges of allegiance to the United States and Texas flags.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important legislative business:

Krusee on motion of Hilderbran.

The following member was granted leave of absence for today because of important business in the district:

Solis on motion of Martinez.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 16).

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Eiland on motion of McCall.

HCR 86 - ADOPTED (by Leibowitz)

Representative Leibowitz moved to suspend all necessary rules to take up and consider at this time **HCR 86**.

The motion prevailed.

The following resolution was laid before the house:

HCR 86, Congratulating "Jesse" James Leija of San Antonio on his remarkable career as a boxer and commending him for his ongoing contributions to the city of San Antonio.

HCR 86 was read and was adopted.

On motion of Representative McClendon, the names of all the members of the house were added to **HCR 86** as signers thereof.

(Olivo now present)

INTRODUCTION OF GUESTS

The speaker recognized Representative Leibowitz who introduced "Jesse" James Leija and his family and friends.

HR 616 - ADOPTED
(by Martinez)

Representative Martinez moved to suspend all necessary rules to take up and consider at this time **HR 616**.

The motion prevailed.

The following resolution was laid before the house:

HR 616, Honoring the 3rd Battalion 141st Infantry on the occasion of its deployment in support of Operation Enduring Freedom.

HR 616 was adopted.

HR 618 - ADOPTED
(by Martinez)

Representative Martinez moved to suspend all necessary rules to take up and consider at this time **HR 618**.

The motion prevailed.

The following resolution was laid before the house:

HR 618, Congratulating Carina Garcia for graduating as valedictorian of her class at South Texas Vocational Technical Institute.

HR 618 was adopted.

HR 619 - ADOPTED
(by Martinez)

Representative Martinez moved to suspend all necessary rules to take up and consider at this time **HR 619**.

The motion prevailed.

The following resolution was laid before the house:

HR 619, Congratulating Christene Diaz for graduating as salutatorian of her class at South Texas Vocational Technical Institute.

HR 619 was adopted.

HR 620 - ADOPTED
(by Martinez)

Representative Martinez moved to suspend all necessary rules to take up and consider at this time **HR 620**.

The motion prevailed.

The following resolution was laid before the house:

HR 620, Honoring South Texas Vo-Tech Institute of Weslaco for the outstanding educational opportunities it provides area residents.

HR 620 was adopted.

HR 597 - ADOPTED
(by Hodge)

Representative Hodge moved to suspend all necessary rules to take up and consider at this time **HR 597**.

The motion prevailed.

The following resolution was laid before the house:

HR 597, In memory of Betty Jo Peacock Hay of Dallas.

HR 597 was unanimously adopted by a rising vote.

On motion of Representative Goolsby, the names of all the members of the house were added to **HR 597** as signers thereof.

HR 591 - ADOPTED
(by Krusee)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 591**.

The motion prevailed.

The following resolution was laid before the house:

HR 591, Honoring Rosa Werchan Wuthrich of Taylor on her 100th birthday.

HR 591 was adopted.

(Edwards in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

HR 317 (by Craddick), Congratulating Carey and Lola Tramel on their 60th wedding anniversary.

HR 318 (by Craddick), Congratulating Hubert and Letha Marie Benton on their 70th wedding anniversary.

HR 319 (by Craddick), Congratulating R. E. and Gladys Womack on their 69th wedding anniversary.

HR 320 (by Craddick), Congratulating Howard and Geneva Berry on their 65th wedding anniversary.

HR 321 (by Craddick), Congratulating Edward and Martha Johnson on their 65th wedding anniversary.

HR 322 (by Craddick), Congratulating Ralph and Ladie Fred Caffey on their 60th wedding anniversary.

HR 323 (by Craddick), Congratulating James and Martha Jo Kiene on their 60th wedding anniversary.

HR 324 (by Craddick), Congratulating Ken and LaVoe Peeler on their 55th wedding anniversary.

HR 325 (by Craddick), Congratulating Wayman and Regina Corbell on their golden wedding anniversary.

HR 326 (by Craddick), Congratulating George and Marilyn Dunton on their 50th wedding anniversary.

HR 327 (by Craddick), Congratulating Jim and Jean Evans on their 50th wedding anniversary.

HR 328 (by Craddick), Congratulating Larry and Charlene Gnagy on their golden wedding anniversary.

HR 329 (by Craddick), Congratulating Louis and Ramona Dominguez on their 50th wedding anniversary.

HR 330 (by Craddick), Congratulating Harold and JoElla Briscoe on their 50th wedding anniversary.

HR 331 (by Craddick), Congratulating the Reverend Dr. F. Ray and Jane Riddle on their 60th wedding anniversary.

HR 332 (by Craddick), Congratulating Walter and Dona Bea Schneider on their 60th wedding anniversary.

HR 333 (by Craddick), Congratulating Jesse and Lila Roberson on their 60th wedding anniversary.

HR 334 (by Craddick), Congratulating Pat and Mary Yocham on their 50th wedding anniversary.

HR 335 (by Craddick), Congratulating Edward and Jane Wooten on their 50th wedding anniversary.

HR 336 (by Craddick), Congratulating Harold and Mary White on their 50th wedding anniversary.

HR 337 (by Craddick), Congratulating Bill and Betty Williams on their 50th wedding anniversary.

HR 338 (by Craddick), Congratulating Bruce and Maxine Skaggs on their 50th wedding anniversary.

HR 339 (by Craddick), Congratulating Davis and Mary Nan Payne on their 50th wedding anniversary.

HR 340 (by Craddick), Congratulating Bob and Liz McCurdy on their 50th wedding anniversary.

HR 341 (by Craddick), Congratulating Gary and Jan Owen on their 50th wedding anniversary.

HR 342 (by Craddick), Congratulating Rodney and Mildred Maxson on their 50th wedding anniversary.

HR 343 (by Craddick), Congratulating Raymond and Carolyn Nicholas on their 50th wedding anniversary.

HR 344 (by Craddick), Congratulating John and Betty Marlow on their 50th wedding anniversary.

HR 345 (by Craddick), Congratulating James and Barbara Luedecke on their 50th wedding anniversary.

HR 372 (by Gonzalez Toureilles), Honoring Jack and James Bradford of Alice.

HR 378 was withdrawn.

HR 387 was withdrawn.

HR 391 (by Raymond), Honoring J. C. "Pepé" Trevino of Laredo for his contributions to his community.

HR 393 (by Pickett), Commending Carolina Ramos of El Paso on her achievements during her many years of service with the Texas Parks and Wildlife Department.

HR 396 (by Solis), Honoring All-Valley Coach of the Year Mario Pena of San Benito.

HR 419 (by Farabee), Honoring Fire Chief Danny Skinner on his retirement from the Iowa Park Fire Department.

HR 421 (by Zedler), Honoring Garland and Ruby Curry of Kennedale on the occasion of their 50th wedding anniversary.

HR 422 (by Corte), Recognizing May 1-7, 2005, as Brain Tumor Action Week.

HR 428 (by Anchia), Honoring Vicki Keene of Dallas for her contributions in behalf of the Kidd Springs community.

HR 429 (by Anchia), Congratulating Barbara Miller of Dallas on her participation with the Dallas Crime Watch program.

HR 431 (by Martinez Fischer), Commemorating the closing of St. Martin Hall's middle school program.

HR 432 (by Martinez Fischer), Honoring Jamey Baumgartner, Long Bui, Adam Newman, Andy Weiss, and David Wheelus.

HR 433 (by Martinez Fischer), Honoring Edward E. Whitacre, Jr., of San Antonio for his professional contributions.

HR 436 (by Hilderbran), Honoring the Richland Springs High School football team for winning the 2004 State Championship.

HR 438 (by Martinez), Honoring Paula Lopez-Villanueva of Weslaco on her success in the waste management business.

HR 439 (by Craddick), Honoring Walter and Florene Teinert of Midland on their 50th wedding anniversary.

HR 441 (by Anchia), Honoring Sharon Boyd of Dallas for her contributions to her community.

HR 446 was withdrawn.

HR 447 (by Naishtat), Honoring Carol Ann Nelson for her 25 years of service as band director of McCallum High School in Austin.

HR 449 (by Solomons), Honoring Fran Brown of Carrollton on her appointment to the Texas Aging and Disability Services Council.

HR 451 was withdrawn.

HR 454 (by Anchia), Congratulating the Children's Medical Center Dallas on being verified a Level 1 Trauma Center-Pediatric.

HR 455 was withdrawn.

HR 457 (by Zedler), Honoring the Chamber Singers of Martin High School in Arlington on being selected to perform at the State Choir Director's Convention and the National Choir Director's Convention.

HR 458 was previously adopted.

HR 460 (by Anchia), Honoring Wilma Blanton Avalos of Dallas for her contributions to her community.

HR 461 (by Solis), Congratulating the San Benito High School football team for an outstanding 2004 season.

HR 462 (by Martinez), Congratulating Heriberto "Herbie" Lopez on being named to the Tejano R.O.O.T.S. Hall of Fame Class of 2004 Million Dollar Band.

HR 499 (by Corte), Honoring John and Birtie Stampley of San Antonio on the occasion of their 50th wedding anniversary.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

HR 373 (by Gonzalez Toureilles), In memory of Clementina B. Marmolejo of Alice.

HR 375 (by W. Smith), In memory of Murtie Carnes Petty of Baytown.

HR 380 was withdrawn.

HR 382 was withdrawn.

HR 383 (by Gattis), In memory of the Honorable William R. Stump, Sr., of Georgetown.

HR 392 (by Hodge), In memory of James W. Holbrook, Jr., of Dallas.

HR 394 (by Goolsby), In memory of Dr. George Nathan Aldredge, Jr., of Dallas.

HR 423 (by Quintanilla), In memory of Rosenda Garcia of Fabens.

HR 424 (by Quintanilla), In memory of Florentina Dearo of San Elizario.

HR 425 (by Quintanilla), In memory of Ana Maria Gardea Cano of Tornillo.

HR 426 (by Quintanilla), In memory of Enedina Rivera.

HR 427 (by Quintanilla), In memory of U.S. Marine Cristobal Cano of Clint.

HR 430 (by Martinez Fischer), In memory of Candelaria Dominguez of San Antonio.

HR 434 (by Hilderbran), Honoring the life of John Studer Graves of Uvalde.

HR 435 (by Hilderbran), Honoring the life of Clifton "Cliff" A. Greeson.

HR 437 (by Hilderbran), In memory of Ashley Kuliaileilani Lovell.

HR 442 (by Dutton), In memory of U.S. Marine Staff Sergeant Dexter S. Kimble of Houston.

HR 443 (by Quintanilla), In memory of Luz F. Rodriguez of Socorro.

HR 444 (by Quintanilla), In memory of Carlos Escontrias of Socorro.

HR 445 (by Quintanilla), In memory of Viviana Lopez of Clint.

HR 482 was withdrawn.

The resolutions were unanimously adopted by a rising vote.

HR 513 - ADOPTED
(by Blake)

Representative Blake moved to suspend all necessary rules to take up and consider at this time **HR 513**.

The motion prevailed.

The following resolution was laid before the house:

HR 513, Congratulating Joanna Blackwell of Center on being named Miss Rodeo USA.

HR 513 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Blake who introduced Joanna Blackwell and her mother Ann.

HR 512 - ADOPTED
(by Blake)

Representative Blake moved to suspend all necessary rules to take up and consider at this time **HR 512**.

The motion prevailed.

The following resolution was laid before the house:

HR 512, Recognizing March 3, 2005, as Shelby County Day at the State Capitol.

HR 512 was read and was adopted.

HR 448 - ADOPTED
(by Naishtat)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 448**.

The motion prevailed.

The following resolution was laid before the house:

HR 448, Recognizing March 3, 2005, as Bob Wills Day at the Capitol.

HR 448 was read and was adopted.

On motion of Representative Merritt, the names of all the members of the house were added to **HR 448** as signers thereof.

HR 622 - ADOPTED
(by Martinez Fischer)

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 622**.

The motion prevailed.

The following resolution was laid before the house:

HR 622, Congratulating Ricardo Chavira of San Antonio on his successful acting career.

HR 622 was adopted.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Phillips on motion of Hughes.

The following member was granted leave of absence for today because of important business in the district:

Chavez on motion of Mowery.

(Speaker in the chair)

CSHB 2 - COMMITTEE ON CALENDARS RULE ADOPTED

Pursuant to House Rule 3, Section 5(2), and House Rule 6, Section 16(f), Representative Woolley moved to adopt the following rule governing floor consideration for **CSHB 2**:

All original amendments that will be offered during second reading consideration of **CSHB 2** must be filed with the chief clerk not later than 9 a.m. Monday, March 7, 2005.

The motion prevailed.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Howard on motion of W. Smith.

GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

The following bills were laid before the house and read third time:

HB 231 ON THIRD READING (by Hartnett, Peña, and Naishtat)

HB 231, A bill to be entitled An Act relating to trial by special judge in civil and family law cases.

HB 231 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 304 ON THIRD READING (by Talton, Bailey, Reyna, Peña, Hughes, et al.)

HB 304, A bill to be entitled An Act relating to conditions of employment for police officers employed by certain municipalities.

HB 304 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: B. Brown, Jackson, and Phillips recorded voting no.)

HB 380 ON THIRD READING (by West)

HB 380, A bill to be entitled An Act relating to oil and gas well plugging insurance policies.

A record vote was requested.

HB 380 was passed by (Record 40): 135 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; Farabee; Farrar; Flores; Flynn; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Kuempel;

Laubenberg; Leibowitz; Luna; Madden; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Chavez; Eiland; Escobar; Howard; Krusee; Phillips; Solis; Taylor.

Absent — Blake; Frost; Gallego; Laney; Martinez Fischer; Moreno, P.

HB 774 ON THIRD READING

(by Hegar)

HB 774, A bill to be entitled An Act relating to the Interstate Pest Control Compact.

HB 774 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

(Martinez Fischer now present)

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Frost on motion of Homer.

FIVE DAY POSTING RULE SUSPENDED

Representative Solomons moved to suspend the five day posting rule to allow the Committee on Financial Institutions to consider **HB 846**, **HB 1234**, **HB 1235**, and **HJR 45** at 2 p.m. Monday, March 7 in E2.012.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Financial Institutions, 2 p.m. Monday, March 7, E2.012, for a public hearing, to consider **HB 846**, **HB 1234**, **HB 1235**, and **HJR 45**.

Criminal Jurisprudence, upon adjournment today, Desk 59, for a formal meeting, to consider pending business.

ADJOURNMENT

Representative Berman moved that the house adjourn until 10 a.m. Monday, March 7 in memory of Mark Wilson and Maribel Estrada of Tyler.

The motion prevailed.

The house accordingly, at 11:07 a.m., adjourned until 10 a.m. Monday, March 7.

ADDENDUM

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 16

HCR 19, HCR 21, HCR 41, HCR 75, HCR 76

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1**MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Wednesday, March 2, 2005

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 84 Bonnen SPONSOR: Janek
Designating September 2005 as Leukemia and Lymphoma Awareness Month.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

March 2

Border and International Affairs - **HB 1099**

Environmental Regulation - **HB 708**

Pensions and Investments - **HB 633**

Public Education - **HB 2**

Transportation - **HB 372, HB 414, HB 747, HB 1044**

ENROLLED

March 2 - HCR 47, HCR 60, HCR 79, HCR 80, HCR 81, HCR 82, HCR 83

SENT TO THE GOVERNOR

March 2 - HCR 47, HCR 60, HCR 79, HCR 80, HCR 81, HCR 82, HCR 83

